Nova Scotia

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ANNUAL REPORT

for the year
ending Dec. 31, 1990

Nova Scotia Municipal Board

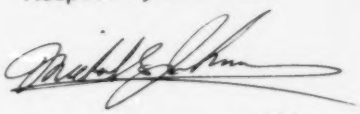
91-06560/

The Honourable Lloyd R. Crouse, P.C.
Lieutenant-Governor
Province of Nova Scotia
Halifax, Nova Scotia

May It Please Your Honour:

I have the honour to present to you the 1990 Annual Report of the Nova Scotia Municipal Board.

Respectfully submitted,



Michael G. Johnson, FCA
Chairman

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This Annual Report is submitted to the Legislature in accordance with Section 43(2) of the *Municipal Board Act*.

The Nova Scotia Municipal Board consists of three members, including a Chairman and Vice-Chairman. The Board's jurisdiction includes the following:

1. appeals under the *Planning Act* from decisions of municipal councils, development officers, and the provincial Director of Planning;
2. appeals under the *Assessment Act from decisions of the Regional Assessment Appeal Courts;*
3. applications under the *Municipal Boundaries and Representation Act* respecting municipal boundaries, polling districts, amalgamations and annexations of municipalities, and incorporations and dissolutions of towns;
4. applications under the *Village Service Act;*
5. applications and appeals under the *Shopping Centre Development Act;*
6. the *School Boards Membership Act*.

In carrying out these responsibilities, the Board travels throughout the province. It holds hearings in or near the municipality affected by the application or appeal. Except for assessment appeals, the public is advised of its hearings by advertisements in a newspaper circulating in the area. The Board may, in addition, require the appellant or applicant to personally serve the assessed owners of nearby property.

All Board hearings are open to the public. Most hearings are one to two days in length. In planning matters the Board often schedules evening sessions so that members of the public can more easily give evidence to the Board.

During 1990 the Board experienced a drop in planning appeals received. However, increases were experienced in assessment appeals and applications under the *Municipal Boundaries and Representation Act* and the *Village Service Act*.

A greater number of appeals and applications were received during the latter half of 1990. This has resulted in a greater number of matters being held over to 1991. Appeals discontinued were almost one half of the previous years. Nevertheless, the Board was able to dispose of the same number of files in 1990 as it did in 1989.

The following pages fully list the various matters that were dealt with by the Board in 1990. The Board compiles and publishes all its decisions annually. The bound volumes are available from the Board or the Government Book Store.

NOVA SCOTIA MUNICIPAL BOARD
1990 STATISTICS

	Planning	Assessment	Municipal Boundaries	Village Services	Total
Files pending Jan. 1/90	14	9	1	0	24
New files	35	21	5	2	63
TOTAL	49	30	6	2	87
Disposition					
Discontinued	11	1	–	–	12
Allowed	9	5	2	–	16
Dismissed	14	9	–	1	24
	34	15	2	1	52
Files pending Dec. 31/90	15	15	4	1	35

NOVA SCOTIA MUNICIPAL BOARD
APPEALS UNDER THE PLANNING ACT

Appellant	Municipality	Disposition
1. NSMB–1–90–P Northland Mobile Homes Ltd..	County of Halifax	Discontinued
2. NSMB–2–90–P MacKeigan, Carl R.	County of Cape Breton	Appeal dismissed
3. NSMB–3–90–P Goddard, Peter Bruce	Town of Bedford	Discontinued
4. NSMB–4–90–P Fraser, Stewart	County of Pictou	Discontinued
5. NSMB–5–90–P Parrsboro & District Board of Trade	Town of Parrsboro	Appeal dismissed (One member dissenting)
6. NSMB–6–90–P Crowell, Rogers	County of Shelburne	Appeal allowed On appeal to NSCA
7. NSMB–7–90–P Oid East Development Co. Ltd.. Creignish Development Ltd., and DMJ Holdings Ltd.	County of Inverness	Appeal dismissed
8. NSMB–8–90–P White, Arden & Smith, Eileen	County of Cape Breton	Appeal dismissed
9. NSMB–9–90–P Kaulback, Brenton & Associates Ltd.	Town of Bridgewater	Appeal allowed
10. NSMB–10–90–P Irving Oil Limited	County of Cape Breton	Discontinued

Appellant	Municipality	Disposition
11. NSMB–11–90–P Moores, Carol	Town of Sydney Mines	Pending
12. NSMB–12–90–P MacIsaac Funeral Homes Limited	Town of Antigonish	Pending
13. NSMB–13–90–P Maritime Recycling Ltd.	City of Dartmouth	Discontinued
14. NSMB–14–90–P Parsons Investments Ltd..	District of Barrington	Appeal dismissed
15. NSMB–I5–90–P Roberts, Philip; Ross, Robin et al	Town of Annapolis Royal	Pending
16. NSMB–I6–90–P Elworthy, Kevin & Cathy; Maden, Robert & Judy; Maden, Edward & Eleanor	County of Cape Breton	Appeal dismissed
17. NSMB–17–90–P Roberts, Philip	Town of Annapolis Royal	Pending
18. NSMB–I8–90–P MacKay Street Residents	Town of Stellarton	Appeal allowed
19. NSMB–I9–90–P Muise, J.R.	Town of Stellarton	Appeal allowed
20. NSMB–20–90–P Moore, Tim C. & Bernardine	Municipality of Chester	Pending
21. NSMB–21–90–P Mehta, Dr. Navin & Nyda Enterprises Ltd.	Town of Truro	Appeal dismissed On appeal to NSCA

Appellant	Municipality	Disposition
22. NSMB–22–90–P Turner, Stephen	Town of Stellarton	Appeal allowed
23. NSMB–23–90–P Berringer, Margaret & Michael	County of Halifax	Discontinued
24. NSMB–24–90–P Roymac Mobile Homes Ltd.	Town of Amherst	Pending
25. NSMB–25–90–P Johnson, David & Willowbank Farms Ltd.	County of Kings	Discontinued
26. NSMB–26–90–P Warren, Richard	County of Kings	Discontinued
27. NSMB–27–90–P Stevens, Mary	Town of Glace Bay	Appeal dismissed
28. NSMB–28–90–P Scotsburn Cooperative Services Ltd.	Town of Stellarton	Discontinued
29. NSMB–29–90–P Grady, Donald J. et al.	County of Halifax	Pending
30. NSMB–30–90–P MacNeil, Donald et al	Town of Truro	Pending
31. NSMB–31–90–P Dean's Flowers & Brenhold Ltd.	City of Halifax	Pending
32. NSMB–32–90–P Fowler, G. Hazen	County of Kings	Pending
33. NSMB–33–90–P Friends of Albro Lake et al	City of Dartmouth	Pending
34. NSMB–34–90–P B.H. Fancy Ltd.	County of Halifax	Pending

Appellant	Municipality	Disposition
35. NSMB–35–90–P Grady, Donald et al	County of Halifax	Pending
36. PPAB–7713–341–81–P Ummat, Dr.	City of Dartmouth	Appeal allowed, in part
37. NSMB–22–89–P Cigas Products Ltd.	County of Cape Breton	Pending
38. NSMB–24–89–P Slumber Inns Ltd.	County of Kings	Discontinued
39. NSMB–25–89–P MacNeil Donald et al	Town of Truro	Appeal allowed
40. NSMB–31–89–P MacDonald, Alvin	County of Halifax	Appeal allowed
41. NSMB–32–89–P Marriott & Baker	County of Halifax	Appeal dismissed
42. NSMB–33–89–P John Ross & Sons Ltd.	Town of Truro	Appeal dismissed
43. NSMB–34–89–P Miller, Sandy	Town of Truro	Appeal allowed
44. NSMB–36–89–P Mullins, Louise & John	City of Halifax	Appeal dismissed
45. NSMB–37–89–P Deveau, Dorothy	County of Clare	Pending
46. NSMB–39–89–P MacNeil, Jim	City of Sydney	Appeal dismissed

Appellant	Municipality	Disposition
47. NSMB–40–89–P Cullip, Gary	Town of Truro	Appeal dismissed
48. NSMB–41–90–P National Bowling Lanes	Town of North Sydney	Appeal dismissed
49. NSMB–42–89–P Murphy, James F.	County of Cape Breton	Discontinued

NOVA SCOTIA MUNICIPAL BOARD
APPEALS UNDER THE ASSESSMENT ACT

Appellant	Municipality	Disposition
1. NSMB–I–90–A 1776875 Nova Scotia Ltd.	County of Lunenburg	Appeal dismissed
2. NSMB–2–90–A Alison's Fashions Ltd.	City of Halifax	Appeal dismissed
3. NSMB–3–90–A Christensen, Suzanne	District of Chester	Appeal dismissed
4. NSMB–4–90–A Director of Assessment v. Pacific Developments Ltd.	City of Dartmouth	Appeal dismissed
5. NSMB–5–90–A Cunningham, Ronald & M. M.	City of Dartmouth	Appeal dismissed
6. NSMB–6–90–A Eastern Forestry Resources Ltd.	County of Lunenburg	Pending
7. NSMB–7–90–A Curran, Ralph J.	City of Halifax	Appeal allowed
8. NSMB–8–90–A 6500 Developments Ltd. (Cambridge Suites)	City of Halifax	Pending
9. NSMB–9–90–A Port Medway Properties Ltd.	County of Queens	Pending
10. NSMB–10–90–A Halifax–Dartmouth Industries Ltd.	City of Halifax	Pending
11. NSMB–11–90–A MacIntyre, Fraser	County of Cape Breton	Appeal dismissed

Appellant	Municipality	Disposition
12. NSMB–12–90–A Arnold, Allison	City of Dartmouth	Pending
13. NSMB–13–90–A Town of Westville v Hayman David & Jacqueline	Town of Westville	Pending
14. NSMB–14–90–A Houweling, Gerrit & Brigitte	County of Halifax	Pending
15. NSMB–15–90–A Some Fine Investments Ltd.	County of Annapolis	Pending
16. NSMB–16–90–A Director of Assessment v Szulewicz, Gary	City of Halifax	Pending
17. NSMB–17–90–A Power, Marion C.	Town of Bridgewater	Pending
18. NSMB–18–90–A Director of Assessment v I.M.P. Group Ltd.	City of Halifax	Pending
19. NSMB–19–90–A Director of Assessment v Springwell Properties Ltd.	City of Halifax	Pending
20. NSMB–20–90–A Director of Assessment v Cajun Holding & Development Co. Ltd.	City of Dartmouth	Pending
21. NSMB–21–90–A Maritime Telegraph & Telephone Co. Ltd.	City of Halifax	Pending

Appellant	Municipality	Disposition
22. NSMB–2–89–A IPCF Properties Ltd.	City of Dartmouth	Discontinued
23. NSMB–3–89–A Woodlawn Shopping Centre Ltd. et	City of Dartmouth	Appeal dismissed
24. NSMB–7–89–A Durling, James & Linda	District of East Hants	Appeal allowed
25. NSMB–8–89–A Director of Assessment v Solomon Inc.	County of Digby	Appeal allowed
26. NSMB–10–89–A T. Eaton Co. Ltd.	City of Halifax	Pending
27. NSMB–11–89–A John, Cyrus	City of Halifax	Appeal dismissed
28. NSMB–12–89–A MacEachern, Isla & McCarthy, David (Pier 21)	City of Halifax	Appeal dismissed
29. NSMB–13–89–A Director of Assessment v Brimar Developments Ltd. (Metro Self Storage)	City of Dartmouth	Appeal allowed On appeal to NSCA
30. NSMB–14–89–A Nicholson, Raymond	Town of North Sydney	Appeal allowed

MUNICIPAL BOUNDARIES AND REPRESENTATION ACT APPLICATIONS

Application	Municipality	Disposition
1. NSMB–1–90–MB	County of Antigonish	Application allowed
2. NSMB–3–90–MB	County of Halifax	Application allowed
3. NSMB–6–90–MB	County of Cape Breton Town of Sydney Mines (Meadowbrook Subdivision)	Pending
4. NSMB–7–90–MB	Town of Glace Bay	Pending
5. NSMB–9–90–MB	Town of Sydney Mines	Pending
6. NSMB–1–89–MB Campbell, Carl	County of Inverness	Pending

VILLAGE SERVICE ACT
APPLICATIONS

Applicant	Municipality	Disposition
1. NSMB–1–90–VSA Conquerall Bank	County of Lunenburg	Dismissed
2. NSMB–3–90–VSA Village of New Minas	County of Kings	Pending